IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL (STAMP) NO.14776 OF 2005
WITH
CIVIL APPLICATION NO.186 OF 2005

The Kolhapur Maratha Co-operative Bank Ltd. ... Appellant

Vs.

Shri Balakrishna S. Shinde. ... Respondent

Mr. S.S. Pakale for the appellant.

Mr.S.M. Dharap i/b Neel Belekar for the respondent.

CORAM : SMT. RANJANA DESAI & A.P. DESHPANDE, JJ.

DATED : 7TH AUGUST, 2006.

P.C.:-

1. The order dated 15/4/2005 passed by the learned single judge is challenged in this letters patent appeal. The Labour Court has directed reinstatement of the respondent with continuity of service and 25% of back wages. In the appeal carried by the appellant-bank, the reinstatement was confirmed and the direction of granting 25% back wages was set aside. It appears that both the appellant and the respondent have filed writ petitions in this court challenging the said order of the Industrial Court and they have been admitted. The question is whether during the interregnum, the respondent should be paid salary as per the settlement signed in 1990 and

1999. The learned single judge has taken a view that the respondent will be entitled to salary as per the said settlement. We find no infirmity in the order passed by the learned single judge. Hence, the letters patent appeal is dismissed.

2. The learned counsel for the appellant states that four weeks' time may be granted to the appellant to pay the arrears of salary. The learned counsel for the respondent opposes this prayer. In the circumstances of the case, the appellant is given four weeks' time to pay arrears of salary in pursuance of the impugned order of the learned single judge.

[SMT. RANJANA DESAI, J.]

[A.P. DESHPANDE, J.]